MANUAL FOR SECRETARIES

IN

LEGAL DIVISION

I. CASES AND REPORTERS

1. A case, as generally referred to in the legal division, is an opinion written by a court deciding a legal controversy. Normally, the one that brings the action is called the plaintiff and the one the action is brought against is called the defendant. These names sometimes vary from state to state and for technical reasons. Thus, the equivalent of plaintiff is complainant, contestant, libellant. For defendant we sometimes have respondent.

2. A case usually appears in this fashion:

Inland Empire Rural Electrification v. Department of Public Service, 199 Wash. 527, 92 P.(2d) 258 (1939).

The case names the plaintiff and defendant to the action and tells where and when it appeared. (You cannot tell which is the plaintiff and which the defendant from the position of the names.) The "199" refers to the volume of the official Washington Supreme Court Reports and the "527" to the page in that volume. The "92" refers to the volume of the Pacific Reporter — an unofficial report published by the West Publishing Company -- and the "258" refers to the page in that volume. The "(2d)" indicates that it is a volume in the second series. The West Company originally published 300 volumes of the Pacific Reporter and then, instead of making the next volume "301", it started a new series called "Pacific Second" and the next volume was cited "1 P.(2d) 56".

3. Cases will sometimes contain unusual terminology:

In re Smith, 102 Neb. 750, 190 N.W. 25 (1912)

Indicates a special form of case involving a will, a bankruptcy action or other type of case in which property is the main element.

Ex parte Jones, 126 Pa. 42, 39 Atl. 52 (1901)

A special form of case decided after hearing only one side of the case, e.g., where a judge releases a prisoner on a writ of habeas corpus because the charge against him is flimsy.

Smith ex rel. Jones v. Hancock, 215 Ill. 96, 100 N.E. 35 (1900)

A case in which one person, called a relator, caused another usually the Attorney General, to bring the action.

4. Courts:

In many states there is only one court that writes published opinions. However, in a few states two or more courts write opinions which are published. Consequently, additional terms are used to distinguish these courts. The most frequent occurrences are outlined as follows:

I. CASES AND REPORTERS

1. A case, as generally referred to in the legal division, is an opinion written by a court deciding a legal controversy. Normally, the one that brings the action is called the plaintiff and the one the action is brought against is called the defendant. These names sometimes vary from state to state and for technical reasons. Thus, the equivalent of plaintiff is complainant, contestant, libellant. For defendant we meet there have respondent.

2. A case usually appears in this manner:

Island Empire Rural Electrification v. Department of Public Service, 1.0 Wash. 2d, 92 P.(2d) 2[illegible] (1939).

The case names the plaintiff and defendant to the action and tells where and when it appeared. (You cannot tell which is the plaintiff and which the defendant from the position on the page.) The "1939" refers to the volume of the official Washington Supreme Court Reports and the "[illegible]" is the page in that volume. The "92" refers to the volume of the Pacific Reporter — an unofficial report published by the West Publishing Company — and the "[illegible]" refers to the page in that volume. The "(2d)" indicates that it is a volume in the second series. The West Company originally published 100 volumes of the Pacific Reporter and then, instead of making the next volume "101", it started a new series called "Pacific Second" and the next volume was cited "1 P.(2d) [illegible]".

3. Cases will sometimes contain unusual terminology:

In re Smith, 102 Neb. 730, 1[illegible] N.W. 25 (1918)

Indicates a special form of case involving a will, a bankruptcy action or other type of case in which property is the main element.

Ex parte Jones, 1[illegible] Fe. 42, 39 Ala. 39 (1[illegible])

A special form of case decided after hearing only one side of the case, i.e., where a judge releases a prisoner on a writ of habeas corpus because the charge against him is flimsy.

Smith ex rel. Jones v. Hayward, 219 Ill. 36, 100 N.E. 35 (1900)

A case in which one person, called a relator, causes another person, called the defendant, to bring the action.

4. Courts:

In many states there is only one court that writes published opinions. However, in a few states two or more courts write opinions which are published. Consequently, additional terms are used to distinguish these courts. The most frequent occurrences are outlined as follows:

Court	Pronounced	Written
The Delaware Chancery Court	Del Ch (just the ch in churn)	Del. Ch.
New Jersey Chancery Court or Court of Errors and Appeals	N J Eck	N.J. Eq.
N. J. Courts	N J El	N. J. L.
Miscellaneous Courts of N.Y. or N.J.	Misk	Misc.
Refers to an Appellate court, e.g., Ill. App., Ohio App.,etc.	App	App.
Federal Cases in the old circuit and district courts	Fed Cass	Fed. Cas.

Note: The abbreviations are used only in citations to cases, otherwise the full name of the court is written out.

5. Named Reporters

In the early days each volume of cases was named after the Clerk of the Court who prepared it. That is the significance of such citations as:

Smith v. Jones, 2 B. Mon. 25 (Ky. 1801)
Meaning that B. Monroe was the Kentucky Clerk at that time.

Adams v. Jenkins, 25 Hun 16 (N.Y. 1802)
Meaning that Hun was the N.Y. reporter in 1802. Notice "Hun" was his full name, so no period follows it.

Some common reporters are:

Allen (Mass.)
Barb. (Barbour of N.Y.)
Binn. (Binney of Pa.)
Blackf. (Blackford of Ind.)
Dall. (Dallas of the U. S. Sup. Ct.)
Heisk. (Heiskell of Tenn.)
Metc. (Metcalf of Mass.)
Pick. (Pickering of Mass.)
Wheat. (Wheaton of the U.S. Supreme Court)

Court	Pronounced	Written
The Delaware Chancery Court	Del Ch (just the ch in church)	Del. Ch.
New Jersey Chancery Court or Court of Errors and Appeals	N J Eqk	N.J. Eq.
N. J. Courts	N J El	N. J. L.
Miscellaneous Courts of N.Y. or N.J.	Misk	Misc.
Refers to an Appellate court, e.g., Ill. App., Ohio App., etc.	App	App.
Federal Cases in the old circuit and district courts	Fed Cases	Fed. Cas.

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5. Named Reporters

In the early days each volume of cases was named after the Clerk of the Court who prepared it. That is the significance of such citations as:

Kelly v. Jones, 2 B. Mon. 25 (Ky. 1801)
Meaning that B. Monroe was the Kentucky Clerk at that time.

Adams v. Jenkins, 25 Hun 16 (N.Y. 1882)
Meaning that Hun was the N.Y. reporter in 1882. Notice volume was his full name, so no period follows it.

Some current reporters are:

Allen. (Mass.)
Barb. (Barbour of N.Y.)
Binn. (Binney of Pa.)
Black. (Black of Ind.)
Dall. (Dallas of the U. S. Sup. Ct.)
Hals. (Halstead of Penn.)
Johns. (Johnson of N.Y.)
Pick. (Pickering of Mass.)
Wheat. (Wheaton of the U.S. Supreme Court)

II. PERIODICALS

1. Most legal periodicals contain the following:

   a. Leading articles by authors, written:

   Nicholson, Recent Decisions on the Power to Spend for the General Welfare (1938) 12 Temp. L.Q. 435.

   This indicates that in 1938, Mr. Nicholson wrote an article, entitled as above, that appeared in Vol. 12 of the Temple Law Quarterly at page 435.

   b. Student notes, written:

   Note (1935) 82 U. of Pa. L. Rev. 65 (Titles of notes are not usually given)

   c. Short student reviews of recent cases, written:

   (1937) 50 Harv. L. Rev. 25 (Titles never used)

   d. Book reviews, written:

   Alsop, Book Review (1925) 34 Yale L.J. 19 (Note that Alsop wrote the review and not the book)

III. TEXT-BOOKS

1. A complete citation to a legal text states the volume number, author, edition, date, and section or page -- in the order stated. E.g.,

   5 Fletcher, Corporations (Perm. ed. 1931) §95.

   2 Wigmore, Evidence (2d ed. 1923) 95.

   McLelland and Fisher, Corporate Mortgage Bond Issues (1937) 95

   (Absence of volume number indicates there is only one volume)

   Encyclopediac treatises have definite abbreviations. E.g.,

Corpus Juris - C. J.	Ruling Case Law - R. C. L.
American Jurisprudence - A. J.	Corpus Juris Secundum- C. J. S.

   These works are so well known there is no need for dates or editions. Cite:

   26 C. J. 36 19 R. C. L. §52

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III. TEXT-BOOKS

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5 Fletcher, Corporations (Perm. ed. 1931) 675.

2 Wigmore, Evidence (2d ed. 1923) 95.

McClelland and Flanner, Corporate Indentures Bond Issues (1937) 95

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Encyclopedias usually have definite abbreviations. Ex.:

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These works are so well known there is no need for dates or editions. Cite:

26 C. J. 76 15 R. C. L. 872

IV. STATUTES

1. In statutes it is important to distinguish between session laws and code compilation. Session laws are found in the year by year volumes of laws printed at the close of each session of the legislature. A code compilation is a collection of all the laws of a state from the earliest times to the date of the printing of the code. In memoranda the distinguishing feature is that in a code compilation the date is within parentheses and usually the name of the editor of the code appears with the date. E.g.,

Ala. Code (Michie, 1928) §13

In a session law citation no name ever appears and the date is never in parentheses. E.g.,

Ala. Laws 1938, No. 52

2. Federal statutes are cited in many ways. All federal laws prior to 1875 were collected in an edition entitled Revised Statutes. These are cited: Rev. Stat. §2240 (1875). All statutes to date are collected in an edition known as the United States Code Annotated, cited: 28 U.S.C.A. §55 (1934). (The date indicates the date of publication of volume 28.) Recent federal (and state) statutes appear in pocket parts and are cited: 20 U.S.C.A. §92 (Supp. 1940). Federal session laws are cited: Pub. L. No. 42, 78th Cong., 3rd Sess. Jan. 15, 1939, §30 (a).

3. Provisions of constitutions are cited:

U. S. Const. Art. III, §8.
U. S. Const. Amend. XIV, §2.
Pa. Const. Art. IV, §22.

V. CAPITALIZATION

1. Avoid capitalizing generally.

2. Act, Law, or Statute — Capitalize only when referring to a specific act or law. E.g., The Bankruptcy Act covers this point. But: A statute will be enacted soon.

3. Cooperative or Corporation — Capitalize: only (1) when the name of the cooperative or corporation appears - e.g., [1]Southern Electric Cooperative, Inc. is in Idaho. (2) when cooperative or corporation becomes the full name of the body, e.g., in minutes or meetings, loan contracts, etc. the full name is summarized by the term "cooperative" or "corporation" by a "hereinafter called" clause. See Special Note 8.

Note: The words "cooperative" and "corporation" are not capitalized in memoranda, letters, etc., except in the two situations above-mentioned.

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1. Note that "The", either with a small or capital "T" never appears before the name of a cooperative or corporation unless it is legally part of the full name of the corporation or cooperative.

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Ala. Code (Mich., 1928) 713

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Ala. Laws 1929, No. 52

2. Federal statutes are cited in many ways. All federal laws prior to 1875 were collected in an edition entitled Revised Statutes. These are cited: Rev. Stat. §2340 (1875). All statutes to date are collected in an edition known as the United States Code Annotated, cited: 28 U.S.C.A. §55 (1934). (The dates indicate the date of publication of volume 28.) Recent federal (and state) statutes appear in pocket parts and are cited: 40 U.S.C.A. §92 (Supp. 1940). Federal session laws are cited: Pub. L. No. 42, 76th Cong., 3rd Sess. Jan. 13, 1939, 853 (3).

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Note: The words "cooperative" and "corporation" are not capitalized in memoranda, letters, etc., except in the two situations above-mentioned.

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1. Note that "The", either with a small or capital "T" never appears before the name of a cooperative or corporation unless it is legally part of the full name of the corporation or cooperative.

4. Legislature, Assembly, Congress - (1) Congress (referring to U. S. Congress) is always capitalized. (2) Assembly and legislature are only capitalized where the name appears with the word. E.g., The Virginia Assembly meets on January 14, 1942 and we hope this legislature will pass an act on this subject. See also Special Note 8.

Note: When addressing communications to a specific legislature or official of a legislature capitalize "legislature" throughout as a matter of courtesy.

5. Commission or Board - Capitalize (1) always if it is a commission or board of the Federal Government. (2) Otherwise do not capitalize unless the full name is given. E.g., The National Labor Relations Board decided that despite the jurisdiction of the Pennsylvania Public Service Commission as announced by the commission in a recent decision the Board would hold hearings.

Note: When addressing communications to a specific state board or commission or official of a state board or commission capitalize all references to that board or commission. This also applies to briefs written to state boards or commissions.

6. Officers and titles - (1) Any title or designation preceding a name is capitalized. E.g., President Smith of the cooperative, Chairman Jones of the highway commission. (2) Titles following the name are only capitalized in a few instances to indicate preeminence or distinction but not officers of cooperatives. E.g., Franklin D. Roosevelt, President of the United States, etc.; the rule includes the vice-president, department and agency heads, governors, etc. But note: Cloyd H. Marvin, president of George Washington University, John Smith, president of Southern Electric Cooperative. Other examples: The board of directors of Rural Cooperative, Inc. will meet today to elect a president and treasurer. President Jones will probably be elected chairman of the meeting. See also Special Note 8.

7. Documents and Instruments - Do not capitalize unless the instrument is used as a proper noun. In letters these should be rarely capitalized. E.g., I am sending you two copies of a loan contract and one copy of a supplemental mortgage. The supplemental mortgage should be executed immediately by the president and secretary. See also Special Note 8.

8. Special Note - In articles of incorporation, minutes of meetings, bylaws, notes, mortgages, deeds of trust, etc. many of the terms illustrated in the preceding rules are employed as proper nouns. In these cases that term is capitalized. E.g., Southwestern Electric Cooperative, Inc. (hereinafter called the "Cooperative") agrees with Ace Corporation (hereinafter called the "Corporation") that the Cooperative will permit the Corporation, subject to the terms of a loan contract dated January 15, 1937 (hereinafter called the "Loan Contract"), to amend the Loan Contract...etc.

Note: Once an entity (cooperative or corporation), person, or instrument is made a proper noun by the use of a "hereinafter called" clause, thereafter that entity, person, or instrument is capitalized.

4. Legislature, Assembly, Congress - (1) Congress (i.e. Parliament in U.K.) is always capitalized. (2) Assembly and Legislature are only capitalized when the name appears with the word. E.g., The Legislative Assembly meets on January 14, 1964 and we have a lot of legislation [illegible] on this subject. See also Special Note 4.

Note: When referring communications to a specific legislature or official of a legislature capitalize "Legislature" if reference is a matter of courtesy.

5. Commission or Board - Capitalize (1) always if it is a commission or board of the Federal government. (2) Capitalize do not capitalize unless the full name is given. E.g., The National Labor Relations Board decided that despite the jurisdiction of the Department Public Service Commission as announced by the commission in a recent decision the Board would hold hearings.

Note: When referring communications to a specific state board or commission or official of a state board or commission capitalize all references to that board or commission. This also applies to letters written to state boards or commissions.

6. Officers and titles - (1) Any title or designation preceding a name is capitalized. E.g., President Smith of the Legislative Assembly. Chairman Jones of the Public Service Commission. (2) Titles following the name are only capitalized if they are necessary to distinguish or distinctive but not officers or department titles. E.g., Franklin L. Roosevelt, President of the United States, etc., the president of the vice-president, department and agency heads, governors, etc. See note: Chapter 5. Service, president of Farmers Institution University, John Smith, president of Northern Electric Corporation. Other examples: The board of directors of Rural Cooperative, Inc. will meet today to elect a president and treasurer. The president Jones will probably be elected chairman of the meeting. See also Special Note 6.

7. Documents and Instruments - Do not capitalize and use the instrument [illegible] as a proper noun. In lieu of the [illegible] be prefixed by [illegible]. E.g., I am sending you two copies of a loan contract and one copy of a supplemental agreement. The supplemental contract [illegible] accepted immediately by the [illegible] [illegible] also [illegible].

8. Capital City - In capitals or incorporated, minutes of meeting, [illegible], [illegible], etc. Many of the terms [illegible] in the [illegible] or [illegible] rooms. In these cases [illegible] capitalized. E.g., Joseph [illegible] Cooperative, Inc. (Capitalized [illegible] "[illegible]") [illegible] Corporation (Capitalized [illegible] "corporation") and the Cooperative will [illegible] the Commission, [illegible] loan contract [illegible] January 14, 1963 (Capitalized [illegible] "loan contract"), the [illegible] the Loan Contract... etc.

Note: Once an entity (cooperative or corporation), person, or instrument is known by proper noun by the use of a "hereinafter called" clause, thereafter that entity, person, or instrument is capitalized.

VI. UNDERLINING

1. Underline the names of cases but not the citations.

East v. West, 105 U.S. 92 (1895)

2. Underline latin words:

contra	(against)	ibid.	(the same)
e.g.	(for example)	id.	(the same)
et seq.	(and following)	infra	(below)
i.e.	(that is)	supra	(above)

loc. cit. supra (the place cited above)
op. cit. supra (the text book or work cited above)

3. Underline words used to give history of cases.

Bone v. John, 105 Super. 68, 95 Atl. 8 (Pa. 1901), aff'd, 106 Pa. 16, 99 Atl. 10 (1903)

Note: the underlined portion is always set off by commas.

others:

cert. denied - means certiorari denied - the upper court refused to order the lower court to send up the record and review the case.

rev'd - reversed

aff'd mem. - affirmed in a memorandum opinion

4. Underline letters used in place of people or places. E.g.,

A sold property located in X County to B.

VII. ABBREVIATION

In case names: Never abbreviate the first word of each party's name in a case. E.g.,

National Co. v. Pennsylvania R.R., 16 Ala. 25 (1852)

Always abbreviate other words in cases. E.g.,

First Nat. Bank v. Southern Pa. Co., 16 F. Supp. 33 (E.D. Pa. 1925)

Typical abbreviations of this nature:

Adm'r	- Administrator	Co.	- Company
Am.	- American	Corp.	- Corporation
Ann.	- Annotated	Dist.	- District
Ass'n	- Association	Inc.	- Incorporated
Att'y Gen.	- Attorney-General	Ins.	- Insurance
Cent.	- Central	R.R.	- Railroad Company (no "Co."
Comm.	- Commission	Ry.	- Railway Company (needed
Comm'r	- Commissioner	Soc.	- Society

Util. - Utility or Utilities

VI. UNDERLINING

1. Underline the names of cases but not the abbreviations.

Ness v. *Hunt*, 109 U.S. 92 (1883)

2. Underline Latin words:

contra	(against)	*ibid.*	(the same)
e.g.	(for example)	*id.*	(the same)
et seq.	(and following)	*infra*	(below)
i.e.	(that is)	*supra*	(above)
loc. cit.	(the place cited above)		
op. cit.	(the book or work cited above)		

3. Underline words used to give the history of cases.

Bone v. *Cohn*, 109 Super. 64, 95 Atl. 8 (Pa. 1900), *aff'd*, 206 Pa. 16, 99 Atl. 10 (1903)

Note: the underlined portion is always set off by commas.

4. Underline the word in phrases of equal or lesser *f.n.*

A solid iron bar located in X County or B.

VII. ABBREVIATION

In case names: Never abbreviate the first word of each party's name in a case. *f.n.*

Mobil Oil Co. v. *Pennsylvania R.R.*, 16 Ala. 25 (1954)

Always abbreviate the word in cases. *f.n.*

First Nat. Bank v. *Southern Ia. Co.*, 16 F. Supp. 35 (M.D. Pa. 1945)

Typical abbreviations of this nature:

Adm'r	–	Administrator	Co.	–	Company
Am.	–	American	Corp.	–	Corporation
Assn.	–	Associated	Dist.	–	District
Assn'n	–	Association	Inc.	–	Incorporated
Atty. Gen.	–	Attorney-General	Ins.	–	Insurance
Cont.	–	Contract	R.R.	–	Railroad Company (no "Co.")
Com'n	–	Commission	Ry.	–	Railway Company (no "Co.")
Comm'r	–	Commissioner	Soc.	–	Society
Util.	–	Utility or Utilities			

IX. CORRECTION SYMBOLS

The following symbols are used by attorneys to indicate corrections in letters, memoranda, etc.:

. or ⊙	– period
⋁	– insert an apostrophe
⋀	– insert a comma
⋁	– insert quotations
⋀	– insert whatever appear under this sign, called a "caret"
⌀	– delete, take out everything that appears within the circle
with "stet" written in the margin	– leave it as it stands – i.e., forget the correction
¶	– make a paragraph at this point
no ¶	– do not have a paragraph at this point
⌣	– remove the space

An example of corrections properly interpreted:

¶ The earliest printers did not have methods of correcting errors. They said, "It is too difficult." However later they employed professional proof readers readers who changed matters. Stet.

No ¶ After readers were employed regularity came in.

Corrected:

The earliest printers did not have methods of correcting errors. They said, "It is too difficult." However, later they employed professional readers who changed matters. After readers were employed, regularity came in.

[illegible] CORRECTION SYMBOLS

The following symbols [illegible] employed to indicate corrections in letters, memoranda, etc.:

[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]
[illegible]	-- [illegible]

An example of corrections [illegible]:

¶ [illegible] Dear [illegible]

[illegible] "It is too difficult." [illegible]

[illegible] professional proofreaders [illegible]

[illegible]

No ¶ [illegible]

Corrected:

[illegible] not have authority of correcting [illegible]. They said, "It is too difficult." [illegible]

Labor [illegible] employed professional proofreaders [illegible].

[illegible] are employed, regularly [illegible].

X. MISCELLANEOUS

1. Actions

There are many different types of actions in law depending on the nature of the remedy desired and the facts involved in the controversy. Briefly:

assumpsit	-	an action on a contract
tort	-	action for a personal injury or injury to property
injunction	-	action to obtain a court order that defendant cease doing certain acts
quo warranto	-	action challenging the right of a person to hold an office or the right of a corporation to do certain acts. E.g., if an REA cooperative opened a retail butcher shop, its right so to do might be challenged by a quo warranto proceeding.
mandamus	-	action to obtain an order from a court that the defendant shall do a certain act.

2. Terms used

a fortiori	-	with greater reason
estoppel	-	a doctrine by which one represents facts to be other than they are may not show the truth if some other person relies upon the misrepresentation
inter alia	-	among other things
in limine	-	in the beginning
ultra vires	-	outside the powers
intra vires	-	within the powers
cestui que trust	-	the beneficiary of a trust
settlor	-	the one creating a trust
ejusdem generis	-	refers to a rule whereby a general clause will be restricted to things similar to those enumerated.
citation	-	a reference to any authority, e.g., a case or text